

State of Minnesota**District Court**

County

Judicial District: _____

Court File Number: _____

Case Type:

Dissolution

In Re the Marriage of:_____
Name of Petitioner**Notice of Motion and Motion for
Temporary Relief with Children**

and

Name of RespondentTO: ☐ Petitioner ☐ Respondent_____
First_____
Middle_____
Last_____
Street Address_____
Apt. No._____
City_____
County_____
State_____
Zip Code**NOTICE**

PLEASE TAKE NOTICE that on the _____ day of _____, _____
at _____ o'clock _____m. before _____ in Room _____
(name of judicial officer)
of the _____ located at _____, Minnesota, I
will ask the Court for an Order granting the following relief:

1. The Court should order the other party and me to use mediation to help us reach an agreement:

☐ YES ☐ NO. If YES, the issues that should be mediated are:

☐ a. Custody of the minor child(ren);

☐ b. Parenting Time;

☐ c. Dividing our household goods, furnishings, vehicle(s), bank account(s), other assets and personal property;

- ☐ d. Dividing our real property;
- ☐ e. Maintenance/Alimony;
- ☐ f. Dividing our debts;
- ☐ g. Other: _____

2. “Legal custody” identifies which parent(s) will have a right to make decisions regarding the medical, educational and religious upbringing of the child(ren). Temporary legal custody of the child(ren) should be granted: (*check one*)

- ☐ a. Jointly to me and the other party
- ☐ b. Solely to (*check one*): ☐ me ☐ the other party

3. “Physical custody” identifies with whom the child(ren) will live. Temporary legal custody of the child(ren) should be granted: (*check only “a” or “b”*)

- ☐ a. Jointly to me and the other party, with the child(ren) living with me at the following times: _____

_____, and
the child(ren) living with the other party at the following times: _____

- ☐ b. Solely to (*check one*): ☐ me ☐ the other party

4. Parenting time between the minor child(ren) and (*check one*): ☐ me ☐ the other party should be: ☐ supervised ☐ unsupervised and scheduled as follows:

- a. Weekends: _____

- b. Week nights or after school: _____

- c. Holidays: _____

- d. Summer: _____

- e. Telephone contact: _____

- f. Other: _____

5. Temporary child support should be paid as follows: *(check one)*

- ☐ a. The other party should pay to me \$_____ per month for temporary support of the minor child(ren). The payments should be automatically withheld from the other party's wages or salary and paid to me according to Minnesota Statute §518A.53.
- ☐ b. I should pay the other party \$_____ per month for temporary support of the minor child(ren). The payments should be automatically withheld from my wages or salary and paid to the other party according to Minnesota Statutes §518A.53.

6. Temporary maintenance (alimony) should be granted as follows: *(check one)*

- ☐ a. Temporary maintenance should not be granted either to me or the other party.
- ☐ b. The Court should decide temporary maintenance later.
- ☐ c. The other party should pay to me \$_____ per month for temporary maintenance. The payment should be automatically withheld from the other party's wages or salary and paid to me according to Minnesota Statutes §518A.53.

7. Attorney's fees should be awarded as follows: *(check one)*

- ☐ a. The Court should require me and the other party to each pay our own attorney's fees and expenses if we have any.
- ☐ b. The Court should require the other party to pay me \$_____ toward my attorney's fees and expenses.
- ☐ c. The Court should decide attorney's fees later.

8. The other party should go to an evaluation or to counseling: ☐ YES ☐ NO.

If YES, the evaluation or counseling is for: (*check all that apply*)

- ☐ a. Alcohol use;
☐ b. Drug use;
☐ c. Anger management or domestic abuse.

9. Until the final decree is ordered (*check one*):

- ☐ a. I should have sole use and possession of the home located at _____
_____ in the City of _____, State
of _____, and: (*check one*)

☐ I ☐ the other party should pay the mortgage and other expenses for the
home.

- ☐ b. The other party should have sole use and possession of the home located at _____
_____ in the City of _____, State
of _____, and: (*check one*)

☐ I ☐ the other party should pay the mortgage and other expenses for the
home.

- ☐ c. The other party and I should share the use and possession of the home located at _
_____ in the City of _____, State
of _____. The mortgage and other expenses for the home
should be paid as follows:

Expense	Who Should Pay
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- ☐ d. The other party and I should share the use and possession of the home located at _
_____ in the City of _____, State

of _____. The mortgage and other expenses for the home should be paid as follows:

Expense	Who Should Pay
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

10. Until the final decree is ordered (*check one*):
- ☐ a. The other party and I should have the temporary use and possession of the personal belongings, household goods, and furnishings that each of us now has in possession.
 - ☐ b. The Court should give me temporary sole use and possession of the following personal belongings, household goods, and furnishings (*list the items you want*):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- ☐ c. The Court should give the other party temporary sole use and possession of the following personal belongings, household goods, and furnishings (*list the items they want*):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

11. ☐ a. Until the final decree is ordered, temporary use and possession of the vehicle(s) should be divided, and the vehicle loan(s) and insurance should be paid, as follows:

Year	Make	Model	Awarded to whom	Who pays vehicle loan/insurance

☐ b. We do not own any vehicles.

12. ☐ a. Until the final decree is ordered, our debts should be paid as follows:

Creditor (to whom the money is owed)	Total Balance Owed	Monthly Amount Due	Who Should Pay
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	

13. The Court should allow me to change certain medical, dental, automobile, or life insurance policies: ☐ YES ☐ NO. If YES, list the policy and the changes you want to make:

14. The other party should reinstate insurance: ☐ YES ☐ NO. If YES, list the insurance that should be reinstated: _____

_____.

15. The Court should order the other party to immediately notify me of any salary or wage increases, bonuses or other extra income: ☐ YES ☐ NO.
16. The Court should order that the other party shall not spend or otherwise use income raises, income tax refunds, bonuses, or other extra income: ☐ YES ☐ NO.
17. Restrain both parties from transferring, encumbering, concealing or disposing of property, including any tax refunds, except in the usual course of business or for the necessities of life, except as to any future earned income, except as the parties with their attorneys may mutually agree in writing.
18. The Court should allow me to sell or otherwise get rid of other property: ☐ YES ☐ NO.
19. Restrain both parties from harassing, vilifying, mistreating, molesting, disturbing the peace, or restraining the liberty of the other party or the child(ren) of the parties.
20. The Court should grant the additional relief: ☐ YES ☐ NO. If YES, the relief I request is: _____

_____.
21. The Court should grant other additional relief that is fair and just.

The grounds for this *Motion* are as stated in the *Affidavit* and the *Application for Temporary Relief* which accompany this *Notice of Motion and Motion*.

VERIFICATION AND ACKNOWLEDGEMENTS

- a) I have read this document. To the best of my knowledge, information and belief, the information contained in this document is well grounded in fact and is warranted by existing law.
- b) I have not been determined by any Court in Minnesota or in any other state to be a frivolous litigant and I am not the subject of an Order precluding me from serving or filing this document.
- c) I am not serving or filing this document for any improper purpose, such as to harass the other party or to cause delay or needless increase in the cost of litigation or to commit a fraud on the Court.
- d) I understand that if I am not telling the truth, or if I am misleading the Court or serving or filing this document for an improper purpose, the Court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of filing or serving this document, court costs, and reasonable attorney's fees.

NOTICE TO THE OTHER PARTY

After you receive these papers, if you want to respond to anything raised by the other party in his/her papers, your written response must be personally served on the other party **at least five (5) days before the hearing** or mailed to the other party **at least eight (8) days before the hearing**. Your responsive papers must be filed with the Court Administrator **at least five (5) days before the hearing**. If you want to raise **new** issues at the hearing the other party has scheduled, your *Motion* and *Affidavit* must be personally served on the other party **at least ten (10) days before the hearing** or mailed to the other party **at least thirteen (13) days before the hearing**. Your papers raising **new** issues must be filed with the Court Administrator **at least ten (10) days before the hearing**.

DATE: _____

Signature of Person Bringing *Motion*

Address _____

City/ State _____

Zip Code: _____

Telephone: () _____

E-mail address: _____